

Agency 70

## Kansas Board of Veterinary Medical Examiners

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### Article 1.—DEFINITIONS

**70-1-1. Continuing education.** “Continuing education course” means a program or activity designed to enhance the veterinarian’s level of knowledge, skill, or abilities to practice veterinary medicine. (Authorized by and implementing K.S.A. 47-829(b); effective Jan. 1, 1974; amended Feb. 21, 1997.)

**70-1-2. Attendance at meetings.** Attendance at a state or national veterinary association meeting shall be defined as the registration and attendance of the licensee for at least one day of activity at such meetings. (Authorized by K.S.A. 47-829(b); effective Jan. 1, 1974.)

**70-1-3.** (Authorized by K.S.A. 47-830(n); effective Jan. 1, 1974; revoked, T-85-4, Feb. 2, 1984; revoked, T-88-31, Sept. 17, 1987; revoked May 1, 1988.)

**70-1-4. “Mobile veterinary clinic”** means a vehicular veterinary premises capable of moving from one location to another. (Authorized by and implementing K.S.A. 47-821(a)(10); effective Dec. 27, 1994.)

**70-1-5. “Dental operation”** means the following. (a) The application or use of any instrument or device to any portion of an animal’s tooth, gum, or any related tissue for the prevention, cure

or relief of any wound, fracture, injury or disease of an animal’s tooth, gum or related tissue; and

(b) Preventative dental procedures including, but not limited to, the removal of calculous, soft deposits, plaque, stains or the smoothing, filing or polishing of tooth surfaces. (Authorized by and implementing K.S.A. 47-821(a)(10); effective Dec. 27, 1994.)

**70-1-6. “Anesthetized”** means in a condition of general anesthesia, caused by the administration of a drug or combination of drugs in sufficient quantity to produce a state of unconsciousness or dissociation and blocked response to a given pain or alarming stimulus. At a minimum, each anesthetized patient shall be under continuous observation until the swallowing reflex has returned. (Authorized by and implementing K.S.A. 47-816; effective April 4, 1997.)

### Article 2.—MEETINGS

**70-2-1 through 70-2-3.** (Authorized by K.S.A. 47-821(i); effective Jan. 1, 1974; revoked Feb. 21, 1997.)

### Article 3.—EXAMINATIONS

**70-3-1. General rules.** All examinations will be given in the English language. All examinees shall be tested by a written examination or oral examination or by both written and oral ex-

aminations. The preparation, administration and grading of the examinations shall be according to the protocol of the national testing service selected by the board for the examination. (Authorized by and implementing K.S.A. 47-825(b); effective Jan. 1, 1974; amended March 13, 1995.)

**70-3-2. Standard to pass.** To pass the examination administered by the board, the examinee shall demonstrate scientific and practical knowledge sufficient in the judgement of the board to prove competency to practice veterinary medicine. The successful examinee shall obtain a total test converted scale score of seventy (70.00) or above on each of the national tests, and a score of ninety (90.00) percent or above on the state jurisprudence examination. (Authorized by and implementing K.S.A. 47-825(b); effective Jan. 1, 1974; amended March 13, 1995.)

**70-3-3. Cheating.** Any applicant detected giving or obtaining aid during any examination will be dismissed instantly and will not be permitted to continue the examination. (Authorized by K.S.A. 47-825(b); effective Jan. 1, 1974.)

**70-3-4.** (Authorized by K.S.A. 47-825(c); effective Jan. 1, 1974; revoked March 13, 1995.)

**70-3-5. Failure of previous examination.** Any person who fails an examination shall be admitted to any subsequent examination on payment of the application fee. (Authorized by K.S.A. 47-825(c); effective Jan. 1, 1974.)

#### Article 4.—APPLICATIONS

**70-4-1 through 70-4-4.** (Authorized by K.S.A. 47-821(i); effective Jan. 1, 1974; revoked Feb. 21, 1997.)

**70-4-5.** (Authorized by K.S.A. 47-821; effective Jan. 1, 1974; revoked Feb. 21, 1997.)

**70-4-6 through 70-4-7.** (Authorized by K.S.A. 47-821(i); effective Jan. 1, 1974; revoked Feb. 21, 1997.)

**70-4-8. Applications for licensure.** (a) Each applicant for a license shall request a license application form from the board office.

(b) Each applicant for a license shall submit application materials to the board and complete the application procedures in this regulation and the Kansas veterinary practice act, K.S.A. 47-814 *et seq.* As part of the application process, each applicant shall complete the following steps:

- (1) submit the completed application form;
- (2) submit the full licensure application fee as provided in K.A.R. 70-5-1(a); and
- (3) arrange for the applicant's scores on national board and clinical competency exams to be sent directly from the interstate reporting service to the board office.

(c) Recognized and approved colleges. The following colleges of veterinary medicine are recognized and approved by the board as conforming to the standards required for accreditation by the American veterinary medical association, as provided in K.S.A. 47-816:

- (1) Kansas State University, College of Veterinary Medicine, Manhattan, Kansas;
- (2) University of Missouri, School of Veterinary Medicine, Columbia, Missouri;
- (3) Iowa State University, College of Veterinary Medicine, Ames, Iowa;
- (4) Oklahoma State University, College of Veterinary Medicine, Stillwater, Oklahoma;
- (5) Colorado State University, College of Veterinary Medicine and Biomedical Sciences, Fort Collins, Colorado;
- (6) Texas A & M University, College of Veterinary Medicine, College Station, Texas;
- (7) University of Illinois, School of Veterinary Medicine, Urbana, Illinois;
- (8) The Ohio State University, College of Veterinary Medicine, Columbus, Ohio;
- (9) Auburn University, School of Veterinary Medicine, Auburn, Alabama;
- (10) Cornell University, New York State Veterinary College, Ithaca, New York;
- (11) Purdue University, School of Veterinary Medicine, West Lafayette, Indiana;
- (12) Tuskegee Institute, School of Veterinary Medicine, Tuskegee, Alabama;
- (13) Tufts University, School of Veterinary Medicine, Boston, Massachusetts;
- (14) University of California, Davis, School of Veterinary Medicine, Davis, California;
- (15) Michigan State University, College of Veterinary Medicine, East Lansing, Michigan;
- (16) University of Minnesota, College of Veterinary Medicine, St. Paul, Minnesota;
- (17) University of Wisconsin-Madison, School of Veterinary Medicine, Madison, Wisconsin;
- (18) University of Pennsylvania, School of Veterinary Medicine, Philadelphia, Pennsylvania;
- (19) Washington State University, College of Veterinary Medicine, Pullman, Washington;

(20) Oregon State University, School of Veterinary Medicine, Corvallis, Oregon;

(21) Mississippi State University, College of Veterinary Medicine, Starkville, Mississippi;

(22) Louisiana State University, School of Veterinary Medicine, Baton Rouge, Louisiana;

(23) University of Florida, College of Veterinary Medicine, Gainesville, Florida;

(24) University of Tennessee, College of Veterinary Medicine, Knoxville, Tennessee;

(25) University of Georgia, College of Veterinary Medicine, Athens, Georgia;

(26) North Carolina State University, School of Veterinary Medicine, Raleigh, North Carolina;

(27) Virginia Tech and University of Maryland, Virginia-Maryland Regional College of Veterinary Medicine, Blacksburg, Virginia;

(28) University of Guelph, Ontario Veterinary College, Guelph, Ontario, Canada;

(29) Universite de Montreal, Ecole de Medicine Veterinaire, Saint-Hyacinthe, Quebec, Canada;

(30) University of Saskatchewan, Western College of Veterinary Medicine, Saskatoon, Canada;

(31) University of Prince Edward Island, Atlantic Veterinary College, Charlotte Town, Prince Edward Island, Canada; and

(32) Rijksuniversiteit te Utrecht, Faculteit der Diergeneeskunde, Utrecht, Netherlands.

(d) Each applicant who graduated from a school of veterinary medicine that is not recognized by the board shall be determined to meet the education requirement of K.S.A. 47-826 upon submitting a certificate of program completion from the educational commission for foreign veterinary graduates.

(e) Recognized national specialty boards or colleges. The following list of national specialty boards and colleges are recognized by the board as provided in K.S.A. 47-826:

(1) American College of Veterinary Anesthesiologists;

(2) American College of Veterinary Behaviorists;

(3) American College of Veterinary Clinical Pharmacology;

(4) American Veterinary Dental College;

(5) American College of Veterinary Dermatology;

(6) American College of Veterinary Emergency and Critical Care;

(7) American College of Veterinary Internal Medicine;

(8) American College of Laboratory Animal Medicine;

(9) American College of Microbiologists;

(10) American College of Veterinary Nutrition;

(11) American College of Veterinary Ophthalmologists;

(12) American College of Veterinary Pathologists;

(13) American College of Poultry Veterinarians;

(14) American Board of Veterinary Practitioners;

(15) American College of Veterinary Preventive Medicine;

(16) American College of Veterinary Radiology;

(17) American College of Veterinary Surgeons;

(18) American College of Theriogenologists;

(19) American Board of Veterinary Toxicology; and

(20) American College of Zoological Medicine.

(f) Each applicant applying for licensure under a specialty status as provided in K.S.A. 47-826 shall provide the board with a copy of a diplomate status certification from a specialty academy or college recognized by the board in subsection (e).

(g) Each applicant shall also provide the following identifying information on the application form provided by the board:

(1) the applicant's full name as the applicant wishes the name to appear on the license. Maiden names shall be provided for use in office records only;

(2) the applicant's complete and current address at the time of the application;

(3) the applicant's telephone number;

(4) the applicant's social security number, which may be used by this agency and by the professional examination service for identification only, except that it may be provided to the Kansas division of taxation upon request of the division. An applicant may legally decline to disclose this number;

(5) a copy of the applicant's graduate diploma from a college identified in subsection (c), or a letter from the dean's office confirming successful completion of five or more semesters of education in a school of veterinary medicine identified in subsection (c);

(6) the applicant's height, weight, color of hair and eyes, and a description of any distinguishing scars or marks and their location;

(7) a list of other licenses, registrations, or per-

mits related to veterinary science that are held by the applicant, including the issuing state, the date issued, the status, and the number of each;

(8) a list of any drug enforcement agency (D.E.A.) numbers held by the applicant, including the issuing state, the date issued, the status, and the number of each;

(9) a list of any United States department of agriculture (U.S.D.A.) accreditations held by the applicant, including the issuing state, the date issued, the status, and the number of each;

(10) a list of previous experiences or employment related to veterinary science, beginning with the most recent experience; and

(11) a passport photograph, which shall have a frontal face image that is a minimum of 1 square inch and an overall photo size that does not exceed 3 × 4 inches. The photo may be rejected if it is of a poor quality, if it is a snapshot or group picture, or if a cap, hat, or glasses obscure parts of the face.

(h) Signed affidavit. Each applicant shall read and sign an affidavit as to the truth, correctness, and completeness of the application.

(i) Letters of good standing. Each applicant shall submit a letter from each jurisdiction in which the applicant is now or has ever been licensed to practice as a veterinarian indicating the status of that license.

(j) Each applicant shall answer the following questions truthfully and completely under penalty of law. The applicant shall enclose, on a separate sheet of paper, a complete explanation for a "yes" answer to any of the questions below:

(1) Is the applicant currently enrolled in an E.C.F.V.G. program or the holder of an E.C.F.V.G. certificate?

(2) Is the applicant or has the applicant ever been registered or licensed in any other health-related profession?

(3) Has the applicant ever been denied licensure to practice veterinary medicine in any state, United States territory, or country for any reason other than failure of an examination?

(4) Has a license to practice veterinary medicine issued to the applicant by any state ever been subject to any disciplinary action or is any such action now pending? If "yes," the applicant shall supply details of the action.

(5) Has the applicant ever been convicted of any felony or misdemeanor, excluding minor traffic or juvenile offenses?

(6) Has the applicant ever been convicted of a charge of cruelty to animals?

(7) Has the applicant within the past year received treatment for alcohol or other substance abuse?

(8) Has the federal drug enforcement administration ever taken action against or warned the applicant about any matter pertaining to the applicant's D.E.A. number or withdrawn a D.E.A. number assigned to the applicant?

(9) Has there ever been any action taken against or warning issued to an applicant in relation to any U.S.D.A. accreditation held by the applicant?

(10) Has the applicant ever been a defendant or a respondent in any malpractice action?

(11) Has the applicant ever voluntarily relinquished or intentionally allowed to lapse any license, accreditation, D.E.A. number or other certificate in relation to the practice of veterinary medicine?

(12) Is the applicant now or has the applicant been registered or licensed with any state racing commission? If "yes," the applicant shall supply details of the registration or license.

(13) Is the applicant a diplomate of any specialty in veterinary medicine?

(14) Is the applicant now using a different name other than the name used on any educational or professional documents in the applicant's past?

(k) Upon notification that the board has received the application, the applicant shall arrange to take the Kansas veterinary legal practice examination required by K.S.A. 47-826.

(l) Any application may be suspended for a period not to exceed one year for lack of qualifications or as the result of an incomplete application. If the applicant has not met the qualifications or has not submitted a complete application prior to the end of the one-year period, the application shall expire. Upon expiration, the applicant may reapply by submitting a new application, the required fees, and all supporting documents. (Authorized by and implementing K.S.A. 47-824, 47-825, and 47-826; effective April 4, 1997.)

#### **70-4-9. License renewal applications.**

(a) Each licensee who is on active military duty during a time of national emergency shall not be required to pay any license renewal fee due at that time.

(b) The annual continuing education require-

ment shall be waived for any licensee who is either on active military duty during a time of national emergency or impaired, as defined by K.S.A. 47-846(c) and amendments thereto. (Authorized by and implementing K.S.A. 47-821 and 47-829; effective April 4, 1997.)

**70-4-10. Examination applications.** Each applicant for examination shall be enrolled in or be a graduate of a college of veterinary medicine identified in K.A.R. 70-4-8(c) or shall be enrolled in or have graduated from the American veterinary medical association's educational commission for foreign veterinary graduate program. (Authorized by and implementing K.S.A. 47-824, 47-825, and 47-826; effective April 4, 1997.)

### Article 5.—FEES

**70-5-1. Amount of fees.** The following fees shall be charged.

(a) Veterinary medicine license; application ....	\$125.00
(b) Veterinary medicine license; application with national board examination application fee	\$ 75.00
(c) National board examination; application fee	\$ 50.00
(d) Veterinary medicine license; annual renewal	\$ 95.00
(e) Veterinary medicine license renewal if renewal is for an initial license that was issued after April 30 of the preceding license year .....	\$ 20.00
(f) Veterinary medicine license; late renewal penalty .....	\$ 50.00
(g) Veterinary premises registration; application	\$ 75.00
(h) Veterinary premises registration; renewal	\$ 50.00
(i) Veterinary premises registration; late renewal penalty .....	\$ 50.00
(j) Veterinary premises; initial inspection .....	\$ 75.00
(k) Veterinary premises; noncompliance inspections .....	\$100.00
(l) Veterinary technician registration; application .....	\$ 20.00
(m) Veterinary technician registration; renewal	\$ 10.00

(Authorized by K.S.A. 47-821, K.S.A. 2006 Supp. 47-822, K.S.A. 47-829, K.S.A. 2006 Supp. 47-840; implementing K.S.A. 2006 Supp. 47-822, K.S.A. 47-829, and K.S.A. 2006 Supp. 47-840; effective May 1, 1985; amended, T-70-6-13-88, June 13, 1988; amended July 3, 1989; amended May 23, 1994; amended Feb. 21, 1997; amended April 9, 2004; amended Dec. 21, 2007.)

### Article 6.—MINIMUM STANDARDS FOR VETERINARY PREMISES SANITARY CONDITIONS AND PHYSICAL PLANT

**70-6-1. Premises sanitary conditions and physical plant.** (a) Each veterinary premises, ex-

cept for a mobile veterinary clinic, shall meet all of the following minimum standards for sanitary conditions and a physical plant.

(1) General facilities and grounds.

(A) Sanitation. All areas of a veterinary premises, and all instruments, apparatus and apparel used in connection with the practice of veterinary medicine, shall be maintained in a clean and sanitary, inoffensive, and orderly condition at all times. Cleaning agents capable of killing viruses and bacteria shall be used to disinfect the premises.

(B) Safety. All public areas of a veterinary premises shall be maintained in a safe condition for the client and patient.

(2) Exterior and grounds.

(A) Exterior structure. The exterior structure shall exhibit evidence of regular maintenance.

(B) Signs. Signs shall be kept in good repair.

(C) Landscaping. The grounds shall exhibit evidence of regular maintenance.

(D) Parking lot and sidewalks. Parking lots shall be large enough for both staff and clientele. Parking lots and sidewalks shall be kept in good repair and free of debris.

(E) Loading and unloading structures of a facility. The loading and unloading structures of a facility shall be of adequate strength, and in good repair.

(F) Outside housing. If the temperature is below 50 degrees Fahrenheit or above 85 degrees Fahrenheit, small animals housed outside shall have adequate shelter.

(G) Holding facilities. Holding facilities shall be of adequate size and design to insure the animals' safety and well being. The area shall contain provisions for food and water when necessary.

(H) Windows. All windows shall be kept clean. If windows are opened for ventilation purposes, effective screening shall be required.

(3) Interior.

(A) Space. Adequate space to safeguard each patient shall be available.

(B) Environment. Adequate heating, cooling, and ventilation necessary to maintain comfort of the patient, client and staff shall be provided.

(C) Water. Hot and cold running water shall be available.

(D) Storage. Adequate sanitary storage for the building size shall be available.

(E) Library. A library shall be provided with basic veterinary textbooks and current veterinary periodicals.

(F) Restraint devices. Restraint devices shall be of adequate design, clean and in good working order to insure the safety of the animals and personnel.

(G) Lighting. Indoor lighting for halls, wards, reception areas, examining and surgical rooms shall be adequate for the intended purpose.

(H) Odor and waste control. Ventilation and cleaning shall be provided to keep odors from lingering in the rooms.

(4) Reception room.

(A) Seating. Adequate seating shall be provided for the clientele.

(B) Lavatory. A clean lavatory shall be available to the clients.

(C) Permit. A current facility permit shall be conspicuously displayed.

(5) Examination room or rooms. An examination room or rooms shall be available for the complete physical examination of patients by a veterinarian.

(A) Size. This room shall be of sufficient size to accommodate the doctor, assistant, patient and client comfortably.

(B) Sanitation. The exam table surface shall be sanitized between patients.

(C) Equipment. Proper diagnostic equipment needed for the physical examination shall be readily available.

(6) Wards. Those premises where animals are retained overnight shall meet all of the following requirements.

(A) Exercise. Exercise shall be provided for animals having to stay in an overnight facility. Walking the animal shall meet this requirement.

(B) Walls and floors. Floors shall be smooth, waterproof, nonabsorbent, capable of being scrubbed with detergents and effective sanitizing products and in good repair. Walls shall be smooth and free of cracks or gaps large enough to interfere with effective cleaning.

(C) Temperature. The temperature shall be maintained in a range that is comfortable and safe for all patients.

(D) Separate compartments. A separate compartment shall be available for each animal.

(E) Compartment size. Caging or housing shall be designed with the animal's physical comfort as the primary consideration.

(i) Physical comfort assuring that the animal is dry and clean shall be provided.

(ii) Sufficient space shall be provided to assure freedom of movement and normal postural ad-

justments with convenient access to food and water.

(F) Good repair. Cages, runs, stalls, pens, and other animal compartments shall be kept in good repair to prevent injury to the animal and to promote physical comfort.

(i) Sharp corners and edges, broken wires and any dangerous surfaces shall not be present.

(ii) Cages made of metal other than stainless steel shall be kept in good repair by regular painting or other maintenance as required.

(G) Cleaning procedures. Compartments shall be sanitized between patients. Floors and walls shall be regularly disinfected. Waste cans shall be metal or plastic, shall be leakproof and have tight-fitting lids.

(H) Drains in runways. Drains shall be constructed so that they facilitate sanitization between runways. To maintain proper sanitation, runways shall be cleaned between uses.

(I) Food Storage. Bulk food shall be stored in a vermin-proof container. Opened canned food shall be refrigerated until used.

(J) Sanitizing feeding dishes. Water and feed dishes, if not disposable, shall be sanitized.

(K) Feeding. Adequate daily feedings, with a wholesome, nutritional, palatable food, except where medically contra-indicated, shall be provided.

(L) Water. Adequate daily fresh water within easy reach of all patients, except where medically contra-indicated, shall be provided.

(M) Identification. An animal identification system shall be used.

(N) Isolation. Premises shall allow for the effective separation of contagious and noncontagious cases.

(7) Operating room. If other than minor surgical procedures are to be performed, room for major surgical procedures shall be provided, and shall meet the following requirements.

(A) Floors. The floors shall be made of impervious materials, including but not limited to terrazzo, sealed cement, and linoleum.

(B) Intravenous fluid setup. An intravenous setup for fluid administration shall be available.

(C) Emergency drugs. Emergency drugs shall be readily available.

(D) Surgery table. The surgery table shall be constructed of impervious material that is easily sanitized.

(E) Instruments. Instruments and equipment

commensurate with the type of surgical services shall be provided.

(8) Sterilization. Articles to be used in surgery shall be sterilized either by gas sterilization or steam sterilization. Chemical sterilization shall be acceptable under field situations and in emergency situations. Surgical packs shall be dated as to the last time sterilized. Monitors shall be included within surgical packs regularly to detect proper sterilization. Caps, masks, gowns, drapes, towels, and sterile gloves shall be available.

(9) Oxygen. A mechanism of oxygen administration shall be available.

(10) Pharmacy. The veterinarian shall insure the storage, safekeeping and preparation of drugs.

(11) Radiology.

(A) Service availability. If radiology services are not available in the facility, arrangements shall be made to promote this service outside the facility within a reasonable distance.

(B) Film badge monitoring. Film badge monitoring of exposure levels shall be provided for all personnel working with or near an X-ray generator.

(C) Film identification. Permanent identification of the radiograph shall occur at the time of exposure or just prior to development.

(D) Protective apparel. "Leaded" aprons and gloves or mitts shall be available for anyone helping to restrain or position patients during radiography.

(12) Laboratory. The clinical pathology services shall be available either in the hospital or in a medical facility, and the results shall be made available within a reasonable time frame.

(13) Waste disposal.

(A) Dead animals and animal tissues. Prompt and sanitary disposal of dead animals and animal tissues shall be required. All animal tissues and dead animals shall be contained in plastic bags and kept in an area away from the public before being picked up for disposal. Dead animals held until a delayed pick up shall be placed in a refrigerator or freezer.

(B) Needles and syringes. Needles and syringes shall be destroyed or adequately disposed of in a proper manner.

(b) A mobile veterinary clinic shall meet the minimum standards for sanitary conditions and physical plant established in subsection (a) of this regulation except for paragraphs (a)(2)(E), Loading and unloading structures of a facility, (a)(2)(F), Outside housing, (a)(3)(B), Lavatory, (a)(6),

Wards, and (a)(9), Oxygen. (Authorized by and implementing K.S.A. 47-840(b); effective Dec. 27, 1994.)

#### Article 7.—STANDARDS OF VETERINARY PRACTICE

**70-7-1. The practice of veterinary medicine.** Each veterinarian shall meet the following minimum standards in the practice of veterinary medicine.

(a) Storage compartments. Each veterinarian shall maintain clean, orderly, and protective storage compartments for drugs, supplies, and equipment. Refrigeration shall be available for drugs which require it.

(b) Field sterilization. Each veterinarian shall provide a means of sterilizing instruments when practicing veterinary medicine away from a veterinary premises.

(c) Posting of emergency numbers. Each veterinarian shall post emergency phone numbers for police, fire, and rescue at the main telephone in the building.

(d) Conflict of interest. When representing conflicting interests, including representation of both the buyer and seller of an animal to be inspected for soundness, the veterinarian shall make full disclosure of the dual relationship and shall obtain express consent from all parties to the transaction.

(e) Health certificates. A veterinarian shall not issue a certificate of health unless the veterinarian has personal knowledge, obtained through actual inspection and appropriate tests of the animal, that the animal meets the requirements of the certificate.

(f) Patient acceptance. Each veterinarian shall decide which medical cases will be accepted in the veterinarian's professional capacity and what course of treatment will be followed once a patient has been accepted. The veterinarian shall be responsible for advising the client as to the treatment to be provided.

(g) Control of services. A veterinarian shall not allow professional services to be controlled or exploited by any lay agency, personal or corporate, which intervenes between the client and the veterinarian. A veterinarian shall not allow a non-licensed person or entity to interfere with or intervene in the veterinarian's practice of veterinary medicine. Each veterinarian shall be responsible for the veterinarian's own actions and shall be di-

rectly responsible to the client for the care and treatment of the patient.

(h) Anesthesia and anesthetic equipment. Each veterinarian shall provide anesthesia services as needed. An anesthetic agent shall be administered only by a veterinarian or a person trained in its administration under the direct supervision of a licensed veterinarian. Each veterinarian shall use disinfectants capable of eliminating harmful viruses and bacteria for cleaning anesthetic equipment.

(i) Patient records.

(1) Length of maintenance. Each veterinarian shall maintain a legible patient record for three years.

(2) Necessary elements. Each veterinarian shall ensure that all patient records include the following necessary elements.

(A) patient identification. Patient identification shall include the patient's name, species, breed, age or date of birth, sex, color, and markings;

(B) client identification. Client identification shall include the owner's name, home address and telephone number;

(C) a vaccination record;

(D) physical examination findings; and

(E) a record of every visit or stay on the veterinary premise. Each veterinarian shall maintain records in a manner that will permit any authorized veterinarian to proceed with the care and treatment of the animal, if required, by reading the medical record of that particular patient. The record shall clearly explain the initial examination.

(j) Medication records. The veterinarian shall ensure that each dose of a medication administered is properly recorded on the patient's medical record. All drugs shall be administered and dispensed only upon the order of a licensed veterinarian.

(k) Controlled drugs. The veterinarian shall ensure that a separate written ledger is maintained when a controlled drug is dispensed.

(l) Locked area. If controlled drugs are used, the veterinarian shall ensure that a locked area for the storage of controlled substances is provided.

(m) Dispensation of medications for companion animals. (1) All prescription or legend drugs to be dispensed for use by a companion animal may be dispensed only on the order of a licensed veterinarian who has an existing veterinary-client-patient relationship as defined by the Kansas veterinary practice act. The veterinarian shall ensure that labels will be affixed to any unlabeled con-

tainer containing any medication dispensed and to each factory labeled container that contains prescription or legend drugs or controlled substances dispensed for companion animals. The label shall be affixed to the immediate container and shall include the following information:

(A) the name and address of the veterinarian, and the veterinarian's telephone number if the drug is a controlled substance;

(B) the date of delivery or dispensing;

(C) the name of the patient, the client's name, and the client's address if the drug is a controlled substance;

(D) the species of the animal;

(E) the name, active ingredient, strength, and quantity of the drug dispensed;

(F) directions for use specified by the practitioner including dosage, frequency, route of administration, and duration of therapy; and

(G) any cautionary statements required by law, including statements indicating that the drug is not for human consumption, is poisonous, or has withdrawal periods associated with the drug. If the size of the immediate container is insufficient to be labeled, the small container shall be enclosed within another container large enough to be labeled.

(2) The term "companion animal" shall mean those animals considered to be a pet, and may include horses, birds and exotics, but shall exclude poultry and horses intended for food purposes.

(n) Dispensation of medications for food or commercial animals. All prescription or legend drugs to be dispensed for food used by a food animal or used by a commercial animal may be dispensed only on a written order of a licensed veterinarian with an existing veterinary-client-patient relationship as defined by the Kansas veterinary practice act. That veterinarian shall maintain the original written order on file in the veterinarian's office. A copy of the written order shall be on file with the distributor and a second copy shall be maintained on the premises of the patient-client. The written order shall include the following information:

(1) the name and address of the veterinarian and the veterinarians' telephone number if the drug is a controlled substance;

(2) the date of delivery or dispensing;

(3) the name of the patient, the client's name, and the client's address if the drug is a controlled substance;

(4) the species and or breed of the animal;

(5) the established name or active ingredient of the drug, or if formulated from more than one ingredient, the established name of each ingredient, as well as the strength and quantity of the drug or drugs dispensed;

(6) directions for use specified by the practitioner, including the following:

(A) the class or species of the animal or animals receiving the drug or some other identification of the animals; and

(B) the dosage, the frequency and route of administration, and duration of therapy; and

(C) any cautionary statements required by law, including statements indicating whether the drug is not for human consumption, is poisonous or whether there are withdrawal periods associated with the drug.

(o) Employee supervision. (1) Each veterinarian shall provide direct supervision of any employed assistant who participates in the practice of veterinary medicine, except that a veterinarian may provide indirect supervision of any employee who:

(A) is following the written instructions for treatment of the animal patient on the veterinary premises; or

(B) has completed three or more years of study in a school of veterinary medicine.

(2) A veterinarian may delegate only those activities within the practice of veterinary medicine to an employee which are consistent with that person's training, experience and professional competence. A veterinarian shall not delegate any of the following:

(A) the activities of diagnosis;

(B) performance of any surgical procedure; or

(C) prescription of any drug, medicine, biologic, apparatus, application, anesthesia or other therapeutic or diagnostic substance or technique. (Authorized by and implementing K.S.A. 47-821(a)(16); effective Feb. 21, 1997.)

## Article 8.—UNPROFESSIONAL CONDUCT

### 70-8-1. Acts of unprofessional conduct.

The following acts by a Kansas licensed veterinarian shall be considered unprofessional conduct and shall constitute grounds for disciplinary action against the licensee:

(a) failing to meet the minimum standards for either veterinary premises or veterinary practice;

(b) engaging in conduct likely to deceive, defraud or harm the public or demonstrating a will-

ful or careless disregard for the health, welfare or safety of a patient;

(c) claiming to have performed or charging for an act or treatment that was, in fact, not performed or given;

(d) stating or implying that the veterinarian is a certified or recognized specialist unless the veterinarian is certified in the specialty by the board, as recognized by the American veterinary medical association;

(e) stating or implying any claims of professional superiority in the practice of veterinary medicine that cannot be substantiated by education, training or experience, or using any certificate, diploma or degree to which a person is not entitled;

(f) practicing veterinary medicine under a false or assumed name or impersonating another practitioner of a like, similar or different name;

(g) practicing under an expired, revoked or suspended Kansas veterinary license;

(h) failing to provide a written response, within 30 days, to a written request made by the board pursuant to an investigation by or on behalf of the board;

(i) promoting, aiding, abetting or permitting the practice of veterinary medicine by an unlicensed person except as provided by this act;

(j) allowing an unlicensed person to issue pre-signed animal health certificates with the veterinarian's signature affixed to the certificate, or to inoculate or treat animals unless the inoculation or treatment is done under the direct supervision of the licensed veterinarian;

(k) failing to establish a valid veterinarian, client, and patient relationship;

(l) prescribing, providing, obtaining, ordering, administering, dispensing, giving or delivering controlled drugs to or for an animal solely for training, show or racing purposes and not for a medically sound reason;

(m) performing surgery to conceal genetic or congenital defects, in any species, with the knowledge the surgery has been requested to deceive a third party;

(n) refusing the board or its agent the right to inspect a veterinary facility at reasonable hours, pursuant to an investigation by or on behalf of the board;

(o) representing conflicting interests unless the veterinarian's dual relationship is fully disclosed and all parties to the transaction consent;

(p) failing to report to the proper authorities

cruel or inhumane treatment to animals, if the veterinarian has direct knowledge of the cruel or inhumane treatment;

(q) fraudulently issuing or using any of the following documents:

- (1) a certificate of veterinary inspection;
- (2) a test chart;
- (3) a vaccination report; or

(4) any other official form used in the practice of veterinary medicine to prevent the following:

- (A) the dissemination of animal disease;
- (B) the transportation of diseased animals; or
- (C) the sale of edible products of animal origin for human consumption;

(r) issuing a certificate of veterinary inspection for an animal unless the veterinarian performs the inspection and the appropriate tests as required to the best of the veterinarian's knowledge;

(s) having a United States department of agriculture accreditation removed for cause by federal authority;

(t) using a corporate or assumed name for a veterinary practice which would be false, deceptive or misleading to the public;

(u) extending the practice of veterinary medicine to the care of humans, except that any veterinarian may render first aid or emergency care, without expectation of compensation, in an emergency or disaster situation;

(v) guaranteeing a cure or specific results or creating an unjustified or inflated expectation of a cure or specific result;

(w) obtaining any of the following information through theft, unauthorized copying, duplicating or other means:

- (1) client lists;
- (2) mailing lists;
- (3) medical records;
- (4) computer records; or
- (5) other records that are the property of another veterinarian, veterinary partnership or professional veterinary corporation;

(x) failing to report to the board within 90 days any disciplinary action taken against the veterinary license issued to the veterinarian by any other licensing jurisdiction, professional veterinary association, veterinary specialty board, or government or regulatory agency;

(y) failing to refer a client when additional expertise is advisable, a second opinion is desirable or upon the client's request;

(z) making a false, deceptive or misleading claim or statement;

(aa) failing to provide the public with necessary label warnings on dispensed veterinary products;

(bb) failing to provide a client with a verbal or written estimated fee range for veterinary services offered when requested by the client;

(cc) acting in a manner that is likely to injure the professional reputation, standing, prospect of practice or employment of another member of the profession and which could be deemed malicious, false, or misleading;

(dd) failing to obtain consent of the client prior to placing an animal under anesthesia, performing any surgical procedure, or transporting the animal to another facility except in emergency situations;

(ee) violating the confidential relationship between the licensed veterinarian and the client;

(ff) delegating activities within the practice of veterinary medicine in violation of K.A.R. 70-7-1(o); and

(gg) using prescription drugs in any of the following ways:

(1) prescribing or dispensing, delivering, or ordering any prescription drug without first having established a veterinarian/client/patient relationship and determining that such prescription drug is therapeutically indicated for the health or well being of the animal or animals; or

(2) prescribing, providing, ordering, administering, possessing, dispensing, giving or delivering prescription drugs to or for any person under the following circumstances:

(A) when the drugs are not necessary or required for the medical care of animals; or

(B) when the use or possession of the drugs would promote addiction thereto.

For purposes of this subsection, the term "Prescription drugs" includes all controlled substances in Schedules I through V, and all legend drugs which bear the federal legends, as such drugs are recognized by any law of the state of Kansas or of the United States. (Authorized by and implementing K.S.A. 47-830(o); effective Feb. 21, 1997.)

## Article 9.—IMPAIRMENT

**70-9-1. Waiver of continuing education requirement for license renewal under impairment status.** Each applicant for license renewal who wishes to have the required 20 hours of continuing education waived due to impairment of the applicant, as defined in K.S.A. 47-

846(c) during the prior license year shall submit a written request to the board.

(a) An assessment or assessments of the licensee's degree of impairment shall be submitted to the board. The assessment shall be made by a designee of the board or by one or more appropriate, qualified professionals chosen by the licensee and approved by the board. The assessment shall establish the nature of, the prognosis for, and the duration of the licensee's impairment. Based on this assessment, the continuing education requirement may be waived by the board. The licensee may also be subject to restrictions and appropriate conditions established by the board.

(b) If the waiver is issued, the licensee shall sign an affidavit acknowledging that individual's impairment, and shall agree not to engage in the practice of veterinary medicine beyond the restrictions and conditions placed on the licensee by the board. If the licensee does engage in the practice of veterinary medicine beyond the restrictions and conditions of the board, such action shall be grounds for disciplinary action against the licensee.

(c) The degree of impairment shall be monitored by a designee of the board. Whenever recovery from the impairment is assessed and documented by a designee of the board or by the appropriate, qualified professional chosen by the licensee and approved by the board, the licensee may seek to have the license reinstated, subject to the statutory procedure for reinstatement of a license as stated in K.S.A. 47-832. Such reinstatement shall be subject to completion of all of the continuing education hours waived during the impairment period. (Authorized by K.S.A. 47-821(a)(3) and 47-829(b); implementing K.S.A. 47-829(b) and 47-848; effective Aug. 22, 1997.)

#### Article 10.—FINES

**70-10-1. Fines.** (a) Each citation issued pursuant to K.S.A. 47-843(b) which includes an assessment of a civil penalty shall be classified according to the nature of the violation as set out below. The citation shall indicate the classification on its face.

(1) A Class "A" violation shall be a violation which the executive officer of the board has determined meets the following criteria:

(A) the violation meets the criteria for a class "B" violation; and

(B) the violation was committed by a person who has been issued two or more prior citations for a class "B" violation within a 24-month period immediately preceding the act serving as the basis for the citation, without regard to whether the actions to enforce the previous citations have become final.

However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "A" violation shall be subject to a civil penalty in an amount not less than \$1,001.00 and not exceeding \$2,000.00 for each citation.

(2) A Class "B" violation shall be a violation which the executive officer has determined meets the following criteria:

(A) the violation involves a person who, while engaged in the practice of veterinary medicine, has violated a statute or regulation relating to the practice of veterinary medicine; and

(B)(i) the violation caused bodily injury to an animal which is not significant and substantial in nature;

(ii) the violation presents a substantial probability that death or serious harm would result; or

(iii) the violation meets the criteria for a class "C" violation and was committed by a person who has two or more prior citations for a class "C" violation within the 24-month period immediately preceding the act serving as the basis for the citation, without regard to whether the actions to enforce the previous citations have become final.

However, the increase in the civil penalty required by this paragraph shall not be due and payable unless and until the previous actions have been terminated in favor of the board. A class "B" violation shall be subject to a civil penalty in an amount not less than \$501.00 and not exceeding \$1,000.00 for each citation.

(3) A Class "C" violation shall be a violation which the executive officer has determined involves the following:

(A) a violation committed by a person while engaged in the practice of veterinary medicine; and

(B) a violation that has not caused either death or bodily injury to a patient and which does not present a substantial probability that death or serious harm to an animal patient would result therefrom.

A class "C" violation shall be subject to a civil

penalty in an amount not less than \$50.00 and not exceeding \$500.00 for each citation.

(b) In assessing a civil penalty, the following criteria shall be considered by the executive director:

(1) the good or bad faith exhibited by the cited person;

(2) the nature and severity of the violation;

(3) evidence that the violation was willful;

(4) any history of violations of the same or a similar nature;

(5) the extent to which the cited person has cooperated with the board's investigations;

(6) the extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation; and

(7) such other matters as justice may require. (Authorized by and implementing K.S.A. 47-843(a); effective Feb. 21, 1997.)